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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/547,661

Filing Date: April 12, 2000

Appellant(s): ROWSE ET AL.

John S. Le Roy
Reg. No. 48,158
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/17/2006 appealing from the Office action mailed 11/2/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al. (US 6,330,975 B1) in view of Xactware (www.xactware.com, retrieved from the Internet Archive Wayback Machine <www.archive.com>, 6/29/1998).**
3. As per **independent Claim 1**, Bunte discloses a system for processing a product concern, the system comprising: a service station having a first computer and a removable integrated digital camera and scanner unit for capturing digital information including on or more photographs and identifying indicia related to

the product concern (photo image capture and coded image capture, C1 L31-42), wherein the captured digital information is automatically transmitted from the integrated digital camera and scanner unit to the first computer upon placing the integrated digital camera and scanner unit in electrical communication with the first computer with the service station (terminal or host unit, C3 L7-17); a reviewer station having a second computer for receiving the captured digital information from the service station and for determining how to address the product concern (Central Location/remote location, C3 L42-51, C5 L50-53); and a communication port for connecting the first computer at the service station with the second computer at the reviewer station for transmitting information related to the product concern including the captured digital information (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

4. Bunte fails to expressly disclose wherein the first computer being configured to generate a claim approval request screen for receiving and displaying the digital information and identifying indicia related to the product concern.
5. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).
6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the first computer being configured to generate a claim approval request screen for receiving and

displaying the digital information and identifying indicia related to the product concern, as disclosed by Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.

7. **Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte, in view of Chainer (US 6,397,344 B1) in view of Bradbury (US 5,442,512).**
8. As per **independent Claim 40**, Bunte discloses a system for evaluating a product concern during a real-time communication session, the system comprising: a first computer device for receiving information related to a product concern (terminal or host unit, C3 L7-17); an integrated digital camera (photo image capture, C1 L31-42) and product identification device (coded image capture, C1 L31-42) for capturing at least one image and an identification for the vehicle, respectively relating to the product concern; and a second computer device for receiving the information, the at least one image and the identifier via a communication network for evaluation of the product concern during a real-time communication session (Central Location/remote location, C3 L42-51, C5 L50-53; C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).
9. Bunte fails to expressly disclose a vehicle warranty concern.

10. Chainer discloses processing automotive insurance inquiries through the use of an image/identification system (C1 L10-15); and while Chainer does not expressly disclose using the system for a vehicle warranty concern, it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this group, as it would be a common form of product investigation.

11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing a vehicle warranty concern, as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing a multitude of concerns, in order to increase the system customer base.

12. Bunte and Chainer fail to expressly disclose wherein the first computer being configured to generate a claim approval request screen for receiving and displaying information and identifying indicia related to the vehicle warranty concern.

13. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the first computer being configured to generate a claim approval request screen for receiving and

displaying information and identifying indicia related to the vehicle warranty concern, as disclosed by Xactware, in the system disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.

(10) Response to Argument

1. The Appellant has made the argument that the sited prior art of Xactware is not a "printed publication."
2. The Appellant correctly states the in the October 7, 2005 final rejection, the Examiner stated that the reference was "retrieved from the Internet Archive Wayback Machine <www.archive.org>, 6/29/1998.
3. The Internet Archive (WayBack Machine) is a 501(c)(3) non-profit that was founded and started archiving web pages in 1996, in order to build an 'Internet library,' with the purpose of offering permanent access for researchers, historians, and scholars to historical collections that exist in digital format. The Internet Archive Wayback Machine is a service that allows people to visit *archived versions of Web sites*. Visitors to the Wayback Machine can type in a URL, select a date range, and then begin surfing on an archived version of the Web. The Internet Archive collects and archives only publicly accessible Web pages. They do not archive pages that require a password to access, pages

tagged for "robot exclusion" by their owners, pages that are only accessible when a person types into and sends a form, or pages on secure servers (for more information see Exhibit B of the Appellant's Evidence Appendix; Notess, Greg R., "The Wayback Machine: The Web's Archive, Volume 26, Number 2, March/April 2002).

4. Therefore, the information obtained from the Internet Archive and used as prior art by the Examiner (www.xactware.com, 6/29/1998) is an archived version of the information that was "publically" available on the Internet, and was collected and archived by the WayBack Machine on the exact date/time specified (6/29/1998).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jonathan Ouellette

March 28, 2006

Conferees:

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Art Unit: 3629

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John Weiss
Naresh Vig

John Weiss
Naresh Vig

Brooks Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

John G. Weiss
JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600